

REMARKS

Claims 1, 8, 13, and 17 are amended. Claims 2, 4-5, 9-12, 14-16, and 18-20 are canceled without prejudice or disclaimer. Claim 3 was previously canceled without prejudice or disclaimer. Claims 1, 6-8, 13, and 17 are pending. No new matter is added by these amendments. By amending and canceling the claims, applicant is not conceding that the claims are non-statutory under 35 U.S.C. 101, 102, 112, and 103, and is not conceding that the claims are unpatentable over the references cited by the Office Action, as the present claim amendments are only for the purpose of facilitating expeditious prosecution. Applicant respectfully reserves the right to pursue the subject matter of the claims as it existed prior to amendment or cancellation and to pursue other claims in one or more continuation and/or divisional applications. Applicant respectfully requests reconsideration and allowance of all claims in view of the amendments above and the remarks that follow.

Claim Objections

Claim 8 is objected to because “means for creating a method that comprises the block of and replacing the block of code...”, should be –‘means for creating a method that comprises the block of code and replacing the block of code...’ Claim 8 is amended to recite “means for creating a method that comprises the block of code, replacing the block of code.”

35 U.S.C. 101 Rejections

Claims 8-12 are rejected under 35 U.S.C. 101 because “the claimed invention is directed to non-statutory subject matter.” Claim 8 is amended to recite: “An apparatus comprising a processor, wherein the apparatus further comprises,” which is statutory

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under 35 U.S.C. 101. Claims 9-12 are canceled without prejudice or disclaimer, so the rejections are moot.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “How does this application work?” Applicant respectfully traverses these ground for rejection because the claims do not recite executing the application, so how the application works is irrelevant to the claims, and the claimed invention is operative without the application executing. Thus, claims 1, 6-8, 13, and 17 are operative and statutory under 35 U.S.C. 101.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “The block of code is executed once, twice?” Applicant respectfully traverses these ground for rejection because the claims do not recite executing the application, so how many times the method is executed and whether or not the application is ever executed are irrelevant to the claims, and the claimed invention is operative without the application executing. Thus, claims 1, 6-8, 13, and 17 are operative and statutory under 35 U.S.C. 101.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “The original block of code was cut out or overwritten?” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 are operative by reciting: “replacing the block of code at the copy location in the application with a ... invocation of the method,” and it is clear that the block of code is replaced. Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “In the case of exceeding the threshold, the created method is stored (?) (where?)” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 recite “creating a method.” Applicant is not claiming the location of the method, the location of the method is irrelevant to the claims, and the claims are operative regardless of the location of the method. Thus, claims 1, 8, 13, and 17 are

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operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “Where is the paste location?” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 all recite “a paste location in the application,” so it is clear that the paste location is in the application. Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101 by the paste location being in the application. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “Is the paste location the same as the location of the original block of code?” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 recite that the “block of code” is “at a copy location in an application” and the “paste location” is “in the application.” Thus, claims 1, 8, 13, and 17 are statutory and operative under 35 U.S.C. 101 by the paste location being in the application and the block of code being at a copy location in the application. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “Is the paste location where the original block of code was cut, or in a larger location?” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 recite that the “block of code” is “at a copy location in an application” and the “paste location” is “in the application.” Thus, claims 1, 8, 13, and 17 are statutory and operative under 35 U.S.C. 101 by the “block of code” being “at a copy location in an application” and the “paste location” being “in the application.” Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because “the disclosed invention is inoperative” because “Did the created method or the invocation overwrite the original block of code at the paste location?” Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 all recite: “replacing the block of code at the

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copy location ... with a ... invocation," so it is clear that the invocation replaces the block of code. Further, claims 1, 8, 13, and 17 all recite: "adding a ... invocation ... at the paste location," so it is clear that an invocation is added at the paste location. The claims nowhere recite that the block of code was at the paste location; instead, claims 1, 8, 13, and 17 all recite: "a block of code at a copy location in an application." Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because "the disclosed invention is inoperative" because "Is the created method or the invocation call stored at the paste location?" Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 all recite: "adding a ... invocation ... at the paste location," so it is clear that an invocation is added at the paste location. Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because "the disclosed invention is inoperative" because "Is the paste location where the punch-out operation removed the selected block of code?" Applicant respectfully traverses these grounds for rejection because claims 1, 8, 13, and 17 all recite: "adding a ... invocation ... at the paste location," and the "paste location" is "in the application," so the location and purpose of the paste location is clear. Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

Claims 1-20 are rejected under 35 U.S.C. 101 because "the disclosed invention is inoperative" because "the block of code will exist twice." Applicant respectfully traverses these grounds for rejection because the claims nowhere state that the block of code will exist twice. Instead, claims 1, 8, 13, and 17 all recite: "adding a ... invocation ... at the paste location" and "replacing the block of code at the copy location ... with a ... invocation." Thus, claims 1, 8, 13, and 17 are operative and statutory under 35 U.S.C. 101. Claims 6-7 are statutory for depending on claim 1.

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Claims 2-3, 4-5, 9-12, 14-16, and 18-20 are canceled without prejudice or disclaimer, so the rejections are moot.

Claim Rejections under 35 U.S.C. 103

Claims 1, 2, and 4-20 are rejected under 35 U.S.C. 103(a) as unpatentable over Hiew (US Patent 7,110,936) in view of Hunt (US Pub. No. 2002/0032804) and Carini (US 5,740,443). Applicant respectfully submits that the claims are patentable over Hiew, Hunt, and Carini because Hiew, Hunt, and Carini do not teach or suggest all of the claims elements for the reasons argued below.

Claim 1 recites: "receiving an operation from a user interface, a selection of a block of code at a copy location in an application, and a selection of a paste location in the application, wherein the copy location is different than the paste location; in response to the receiving, determining whether the block of code has a size greater than a threshold; if the block of code has the size greater than the threshold, creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method, adding a second invocation of the method at the paste location," which is not taught or suggested by Hiew, Hunt, and Carini for the reasons argued below.

Hiew at column 7, line 5 merely describes "copying and pasting data," but Hiew does not teach or suggest "creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method, adding a second invocation of the method at the paste location," as recited in claim 1 because Hiew does not teach or suggest a first invocation at a copy location and a second invocation at a paste location, as described in claim 1.

Hunt at [0263] describes replacing "the first few instructions 502 of the target function 500 ... with a jump instruction 504 to the instrumentation detour function 506 in the instrumentation. The detour function 506 passes control to the remainder of the target function by invoking the trampoline function 508."

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But, Hunt's jump instruction 504 jumps to a "detour function 506," which "passes control to the remainder of the target function, so the Hunt detour function 506 does not contain the instructions that the jump replaced, so Hunt does not teach or suggest "creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method," as recited in claim 1.

Carini also does not teach or suggest "creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method, adding a second invocation of the method at the paste location," because Carini at column 1, lines 34-38 describes inlining, which "[replaces] a procedure call with the body of the called procedure." The Carini inlining is opposite from "creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method," as recited in claim 1 because Carini "[replaces] a procedure call with the... called procedure" while claim 1 "[replaces] the block of code ... with a ... invocation."

Thus, the combination of Hiew, Hunt, and Carini does not teach or suggest "creating a method that comprises the block of code, replacing the block of code at the copy location in the application with a first invocation of the method, adding a second invocation of the method at the paste location," as recited in claim 1.

Claim 1 further recites: "if the operation requested that the block of code be copied within a single part, designating a create private method option as a default in the user interface; if the operation requested that the block of code be copied between two parts in a single package, designating a create protected method option as the default in the user interface and making the create private method option unavailable in the user interface; if the operation requested that the block of code be copied between different packages, designating a create public method option as the default in the user interface and making the create private method option and the create protected method option unavailable in the user interface," which is not taught or suggested by Hiew, Hunt, and

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Carini because none of Hiew, Hunt, or Carini describe protected methods, private methods, or public methods, or different options for creating them being a default on a user interface while other options are unavailable.

Claims 8, 13, and 17 recite similar elements as argued above for claim 1 and are patentable over Hiew, Hunt, and Carini for similar reasons. Claims 6-7 are dependent on claim 1 and are patentable over Hiew, Hunt, and Carini for the reasons argued above, plus the elements in the claims. Claims 2, 4-5, 9-12, 14-16, and 18-20 are canceled without prejudice or disclaimer, so the rejections are moot.

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Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is requested. The Examiner is invited to telephone applicant's attorney (651-645-7135) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0465.

Respectfully submitted,



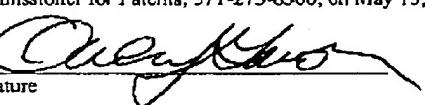
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